

# House File 34 - Introduced

HOUSE FILE 34

BY WILLS

## A BILL FOR

1 An Act concerning persons appointed to a convention called  
2 by the United States Congress to propose amendments to  
3 the United States Constitution, providing a penalty, and  
4 including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   38.1   Definitions.

2     For purposes of this chapter, unless the context otherwise  
3 requires:

4     1. "*Article V convention*" means a convention called by the  
5 United States Congress pursuant to Article V of the United  
6 States Constitution upon application of the legislatures of at  
7 least two-thirds of the states to propose amendments to the  
8 United States Constitution.

9     2. "*Commissioner*" means a person selected to represent the  
10 state at an Article V convention.

11    3. "*Unauthorized amendment*" means a proposed amendment  
12 to be considered at an Article V convention that is outside  
13 the subject matter of the state's joint resolution applying  
14 to Congress to call the Article V convention or that is in  
15 contravention of any instructions provided to commissioners by  
16 the state.

17    4. "*Unauthorized rule*" means a proposed rule for governing  
18 the Article V convention that is in conflict with a rule  
19 that each state be granted one vote and that a majority vote  
20 is required to propose an amendment to the United States  
21 Constitution.

22    Sec. 2. NEW SECTION.   38.2   Commissioner prohibitions —  
23 removal — penalty.

24    1. A commissioner shall not have the authority at an Article  
25 V convention to vote to allow consideration of or vote to  
26 approve an unauthorized amendment or an unauthorized rule.

27    2. Every commissioner shall be required to take the  
28 following oath:

29    I do solemnly swear (or affirm) that to the best of  
30 my abilities, I will, as a commissioner to an Article V  
31 convention, uphold the Constitution and laws of the United  
32 States of America and the State of Iowa. I will not vote to  
33 allow consideration of or to approve any unauthorized amendment  
34 or unauthorized rule. I acknowledge that violation of this  
35 oath may result in my recall and replacement as a commissioner

1 and is a simple misdemeanor.

2 3. A commissioner violating the provisions of subsection  
3 1 or of the oath as provided in subsection 2 shall be subject  
4 to removal and replacement as a commissioner by the state and  
5 shall be guilty of a simple misdemeanor.

6 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate  
7 importance, takes effect upon enactment.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with  
10 the explanation's substance by the members of the general assembly.

11 This bill relates to persons selected by the general  
12 assembly to represent the state at a convention called by the  
13 United States Congress to propose amendments to the United  
14 States Constitution.

15 The bill defines an Article V convention as a convention  
16 called by the United States Congress as provided by Article  
17 V of the United States Constitution upon application of the  
18 legislatures of at least two-thirds of the states to propose  
19 amendments to the United States Constitution. "Commissioner"  
20 is defined to mean a person selected to represent the state at  
21 an Article V convention. The bill also defines an unauthorized  
22 amendment as a proposed amendment at an Article V convention  
23 that is outside the subject matter of the state's joint  
24 resolution calling for the convention or is in contravention  
25 of any instructions provided to commissioners by the state.  
26 Finally, the bill defines an unauthorized rule as a proposed  
27 rule for governing the Article V convention that is in conflict  
28 with a rule that each state be granted one vote and that a  
29 majority vote is required to propose an amendment to the United  
30 States Constitution.

31 The bill provides that a commissioner shall not propose or  
32 vote to approve an unauthorized amendment or an unauthorized  
33 rule at an Article V convention. The bill also requires a  
34 commissioner to take an oath recognizing these prohibitions.  
35 The bill provides that a commissioner violating the provisions

1 of the bill shall be subject to removal and replacement as  
2 a commissioner by the state and shall be guilty of a simple  
3 misdemeanor. A simple misdemeanor is punishable by confinement  
4 for no more than 30 days and a fine of at least \$105 but not  
5 more than \$855.

6 The bill takes effect upon enactment.